

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGEL RENE MCNEIL-
THOMPSON, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 18, 2005

Petitioner-Appellee,

v

ETHEL MAE MCNEIL,

Respondent-Appellant,

and

T.C. THOMPSON,

Respondent.

No. 262014
Wayne Circuit Court
Family Division
LC No. 90-282761-NA

Before: Talbot, P.J., and White and Wilder, JJ.

MEMORANDUM.

Respondent Ethel Mae McNeil appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g), (i), (j), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent had a fifteen-year history of drug use and protective services involvement, and her parental rights to two other children were terminated in 2003. The minor child was born positive for cocaine in December 2004, and petitioner filed an original petition for permanent custody. Respondent entered outpatient drug treatment on January 20, 2005, testing positive for marijuana upon admission. She appeared to maintain sobriety for the next six weeks, but diluted two drug screens taken immediately following the March 10, 2005 adjudication hearing, indicating that she was not drug-free or as committed to sobriety as she claimed to be. The trial court did not base termination solely upon respondent's past history, although the court correctly considered the past fifteen years' evidence in making its decision, but also relied upon respondent's recent tampering with her drug screen.

Respondent's lack of success in conquering her drug addiction for several years, and her dishonesty in her current attempt at sobriety, provided clear and convincing evidence that she had not stopped using drugs and that there was no reasonable likelihood that she would achieve and maintain sobriety within a reasonable time to provide a safe and proper home for the minor child. Additionally, the evidence was clear and convincing that respondent had involuntarily lost her parental rights to two of the minor child's siblings due to serious and chronic neglect in a proceeding conducted under MCL 712A.2 in 2003, and that prior efforts to rehabilitate her had been unsuccessful.

Finally, the evidence did not show that termination of respondent's parental rights was clearly not in the minor child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). There was no parent-child bond because the minor child was removed from respondent at birth, and no evidence showing that termination was contrary to the child's best interests. Termination was not premature, but was based on both recent evidence and evidence presented over many years showing that respondent was not drug-free or likely to become so within a reasonable time. Allowing respondent additional time to rehabilitate was not in the child's best interests.

Affirmed.

/s/ Michael J. Talbot

/s/ Helene N. White

/s/ Kurtis T. Wilder